

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Christopher on January 13, 2010.

The application has been amended as follows:

Claim 1, line 5: "predetermined" has been removed

Claim 3, line 1: "steps" has been replaced with –step--

Claim 35, line 3: "preselected" has been replaced with –target—

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: applicant's amendments and arguments, received October 26, 2009, are deemed to place the application in condition for allowance. In particular, Joye et al fail to disclose the step of determining a target pressure for inflation of the balloon, inflating the balloon to the target pressure, then ablating a tissue region with the pressure in the balloon (i.e. expandable membrane) exceeding the target pressure as now set forth in the claims. Applicant's arguments at pages 6 and 7 of the response are deemed persuasive. Similarly, the combination of Droegemueller with the Joye teaching also fail to disclose these specific steps of inflating a balloon to a preselected target pressure and ablating tissue with the pressure in the balloon exceeding the target pressure and being within

the range of less than approximately 20 psi. In fact, Joye et al and other prior art references often disclose first applying pressure with the balloon to perform angioplasty, then re-inflating the balloon at a lower pressure to apply ablative energy after the area has been dilated, which is in opposition to the instant method claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/  
Primary Examiner, Art Unit 3739

/mp/  
January 13, 2010